

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 26162 of 2006

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Dated: 18.12.2006

Between:

P. Narasimha Sastry, S/o P. Narayana Sharma, aged about 38 years,
C/o P. Srinivasachari, D.No.10/232, Mallari Street, Yemmiganur,
Kurnool District.

..... PETITIONER

AND

A.P. TRANSCO, rep. by its Member Secretary, Vidyuth Soudha,
Somajiguda, Hyderabad and others.

.....RESPONDENTS

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Order:

Aggrieved by the action of the respondents in not absorbing him as regular employee of the respondent-Organization in the existing vacancies, as per B.P. Ms. No. 36, dated 18.05.1997, even though he served as contract labour from 16.01.1991 to September 1996, the petitioner filed the present writ petition.

When the matter is taken up for admission, learned Standing Counsel for the respondents-Organization submits that in view of the judgment of the apex Court in “***Steel Authority of India Ltd. v. National Union Water Front Workers***¹” the petitioner is not entitled to any relief in this writ petition and he has to approach the Industrial Tribunal for redressal of his grievances.

In ***Steel Authority of India Ltd's case*** (1 supra), it was observed by the apex Court that the determination of question as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, requires inquiry into disputed questions of facts which cannot conveniently be made by High Courts in exercise of jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues will be Industrial Tribunal/Court whose determination will be amenable to judicial review. Hence, this Court, in exercise of jurisdiction under Article 226 of the Constitution, cannot go into the disputed questions of fact and grant any relief to the petitioner and the appropriate authority to go into those issues will be the Industrial

Tribunal.

In the circumstances, the writ petition is dismissed granting liberty to the petitioner to approach the Industrial Tribunal/Labour Court for redresal of his grievances. No costs.

N.V. RAMANA, J.

Date: 18.12.2006
NSR/ISL

¹ 2001 (6) ALD 1 (SC)